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In re Application of:

Honold et al

Filed: 1 December 1998

Application No. 09/203,500

Attorney Docket No. P564-8025

For: OPTIMIZATION OF CELLS FOR

ENDOGENOUS GENE ACTIVATION

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed on December 12, 2001, under 37 C.F.R. §1.137(b) to revive the above-identified application.

This application became abandoned for failure to timely and properly file a response to a non-final Office Action as required in the Office Action, mailed February 6, 2001. The period for replying is statutorily set at three (3) months.¹ No reply was received within this time period.² Therefore, this application became abandoned for failure to timely file a proper reply as of August 7, 2001.³

It is noted that although the instant amendment states that it is filed under 37 CFR 1.116 (which is a response drawn to amendments after final action or appeal). Since the instant amendment is a response to a non-final action and appears to be responsive to the rejections set forth therein, the instant amendment under 37 CFR 1.116 is being treated as an amendment under 37 CFR 1.111 (which is a response drawn to amendments after non-final action).

The instant amendment, treated as an amendment under 37 CFR 1.111, in response to the Office Action of February 2, 2001, was filed on December

¹ 35 U.S.C. §151.

² Nor were any requests for extensions of time to respond to the non-final action received.

³ 35 U.S.C. §133, 37 C.F.R. §1.134-136.

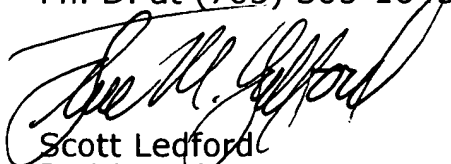
12, 2001 in conjunction with an appropriate Petition for Revival.

All other requirements for the filing of a grantable petition under 37 C.F.R. §1.137 have been met. Therefore, *this petition is **granted***.

There is insufficient information to make determinable whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. Nevertheless, in accordance with 37 C.F.R. §10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that Petitioner has no knowledge that the delay was in fact unintentional, Petitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If Petitioner discovers that the delay was intentional, Petitioner must so notify the Office. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

This application will be forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter may be directed to Susan Ungar, Ph. D. at (703) 305-1645.



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